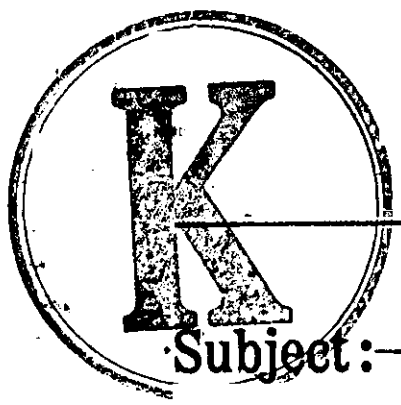
K

1942. **File No.** B. Mamlatdars/42.



Legal DEPARTMENT

B BRANCH

P/1/42

Governor's Bill No. XXIX of 1942.

A Bill to amend the Mamlatdar's Courts Act, 1906.

(Amendt of s. 23).

Bom. XXIV of 1942

File No. B. Mamlatdars/42.

Std. Sectt. Slip 24 B e.

Bom. XXIV of 1942.

568-B.

C O N T E N T S.

Legal Department File No. E. Mamlatdars /42.

S.No.	Compilation No.	Subject	Pages.
		A Bill to amend the Mamlatdars Courts Act,1906.	
1.	U.R. to H.D. No. 7440 dt.17.9.42.	Draft Bill	1
2.	U.R.to H.D.No. 10123 dt.18.12.42	Notification unter section 92(1),Government of India Act,1935.	3 - 5
3.	Governor Secy's No.201(75) dt. 30.12.1942.	Governor's Assent to the Bill	7
4.	G.R.L.D.No.10414 dt.31.12.42.	Publication of Act No.XXIV of 1942.	XL- 9-13-
5.	-	Governor's Bill No. XXIX of 1942.	15 - 25
6.	-	Bom. Act No. XXIV of 1942.	29 - 32.

N.V.T.
4/5.

715

Office of the R.L.A.

The requisite draft Bill is appended. The statement at page 17 is in order.

2. The subject matter of the Bill falls under entries 1,2 and 21 in List II in the Seventh Schedule to the Government of India Act,1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the Governor-General under section 107(2) of the Government of India Act, 1935, and para (2) of the Proclamation. Under executive instructions, the Bill requires the previous concurrence of the Governor-General.

Sd/- P.N.M.

Remembrancer of Legal Affairs.

U. R. to H.D. No.7440, dated the 17th September 1942.

M.V.V./4.5

Legal Department.

The Bill to amend Valatdars' Courts Act, 1906, has been forwarded separately through the Home Department to the Secretary to the Governor for obtaining assent thereto.

2. A draft notification under section 92(1) of the Government of India Act, 1935, for applying the proposed Act to the partially excluded areas in this Province is furnished herewith. If it is decided to apply the Act to the said areas, the notification should be published in the Bombay Government Gazette on or after the date on which the Act will be published in the Bombay Government Gazette.

3. Attention of the Home Department is requested to this Department Circular No.7627, dated the 29th August 1941. Orders of Government on the question of application of the Act to the partially excluded areas in this Province should have been obtained and communicated to this Department at the time of forwarding the papers for obtaining assent to the Bill.

Sd/- S.L.C.
for Secretary to Government.

U.R. to H.D. No.10125, dated the 18th December 1942.

N.V.V./4.5

NOTIFICATION.

Home Department.
Bombay Castle, 1942.

No. In exercise of the powers conferred by sub-section(1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Mamlatdars' Courts (Amendment) Act., 1942 xxx (Bom. of 1942) shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

Secretary to Government.

M.V.V./4.5

No.201 (75)
Office of the Governor's Secretary,
Government House,
Bombay, 30th December 1942.

From,

J.B. Irwin, Esquire, CIE.DSO.MC.ICS.
Secretary to the Governor of Bombay.

To.

The Secretary to Government,
Legal Department, Bombay.

Subject:- A Bill to amend the Mamlatdars' Courts Act,1906.

Sir,

With reference to your letter No.10124, dated 18th December 1942, I am directed to return herewith the copy of the Bill to amend the Mamlatdars' Courts Act, 1906, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th. November 1939, issued by him under section 93 of the Government of India Act,1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient servant.

Sd/-

Secretary to the Governor of Bombay.

R.I. 12970.

M.V.V./4.5

Acts.

Publication of the Mamlatdars' Courts(Amendment) Act, 1942.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 10414.

Bombay Castle, 31st December 1942.

Letter to the Secretary to the Governor, No.10124, dated the 18th December 1942.

Letter from the Secretary to the Governor, No.201(75), dated the 30th December 1942.

* With reference to your letter No.10124, dated 18th December 1942, I am directed to return herewith the copy of the Bill to amend the Mamlatdars' Courts Act, 1906, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION:- The law should be published as Bombay Act No.XXIV of 1942, in the Bombay Government Gazette dated the 31st December 1942.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay,

ORIGINAL. Sd/- S.L.Chaudhari.

for (P.N.MOOS,
(Secretary to Government.

To,

The Manager, Government Central Press, Bombay(with a copy of the Act with a request that 15 gazette copies of the Act may be forwarded to the Legal Department).

The Home Department.) With a
The Oriental Translator to Government.) copy
The Secretary to the Bombay Legislative Council.) of the
The Secretary to the Bombay Legislative Assembly.) Act.

* With five extra copies.

M.V.V./4.5

31
63

Registered No. B-1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY

THURSDAY, 31ST DECEMBER 1942.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGE
BOMBAY ACT No. XXIV OF 1942—An Act to amend the Mamlatdars' Courts Act, 1906	333

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 28th December 1942 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXIV OF 1942.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 31st December 1942.)

An Act to amend the Mamlatdars' Courts Act, 1906.

WHEREAS it is expedient to amend the Mamlatdars' Courts Act, 1906, for the purpose hereinafter appearing; Bom. I of 1906

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature; 26 Geo c. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title.

1. This Act may be called the Mamlatdars' Courts (Amendment) Act, 1942.

Amendment of section 23 of Bom. II of 1906.

2. In section 23 of the Mamlatdars' Courts Act, 1906,—

(*a*) after sub-section (*2*) the following new sub-section shall be inserted, namely:—

Delegation of Collector's powers.

"(*2A*) The Collector may delegate the powers conferred on him by this section to any Assistant Collector or Deputy Collector subordinate to him."; and

(*b*) in sub-section (*3*), after the word "Collector" the words ", Assistant Collector or Deputy Collector" shall be inserted.

STATEMENT.

Revision applications under section 23 of the Mamlatdars' Courts Act, 1906, lie to the Collectors and the power to hear them cannot at present be delegated to the Assistant Collectors or District Deputy Collectors. As the Collectors are busy with more important work, they have frequently no time to hear these applications which are numerous in some districts. It is therefore proposed to amend that section to empower the Collectors to delegate the power to the Assistant Collectors or Deputy Collectors.

BOL "True copy - Original papers being of bad quality - Destroyed."

K.K. Velankar

Superintendent,
D Branch, Legal Department.